

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

| | | |
|-------------------------------|---|-------------------------|
| UNITED STATES OF AMERICA | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | Civil No. 1:23-cv-00207 |
| | § | |
| \$101,020.00 IN UNITED STATES | § | |
| CURRENCY, | § | |
| Defendant. | § | |

VERIFIED COMPLAINT FOR FORFEITURE IN REM

In accordance with Fed. R. Civ. P. Supplemental Rule G(2), the United States of America, Plaintiff, brings this complaint and alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 21 U.S.C. § 881(a)(6).

Defendant In Rem

2. The property is \$101,020.00 in United States Currency (Defendant Property). Deputies with the Jefferson County Sheriff's Office seized the Defendant Property on December 14, 2022. The Defendant Property is currently in the custody of the United States Marshals Service.

Jurisdiction and Venue

3. The Court has subject matter jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture pursuant to

28 U.S.C. § 1355(a).

4. The Court has in rem jurisdiction over the Defendant Property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

6. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes (i) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (ii) proceeds traceable to such an exchange; or (iii) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

Facts

7. On Wednesday December 14, 2022, Detectives with Jefferson County Sherriff's Office (JCSO) conducted a traffic stop on a Dodge truck for a traffic violation on Interstate 10. The stop was conducted at the Stuckey's gas station located at I-10 west bound at the FM 365 exit.

A Detective made contact with the driver who was identified as David Sanchez. The Detective asked Sanchez where he was coming from, and Sanchez stated the new Horseshoe Casino in Louisiana. Through a law enforcement database, the Detective was able to prove Sanchez was lying about his travels. The Detective discovered Sanchez had

been in North Carolina and Virginia. The Detective asked Sanchez if he has anything illegal on him like drugs, weapons, or large amounts of currency to which Sanchez replied no to all. The Detective asked Sanchez for permission to search his vehicle and Sanchez denied consent. The Detective had JCSO K9 to conduct an open-air sniff to the vehicle and the K9 showed a positive alert for narcotics on the vehicle.

During the probable cause search of the vehicle, Detectives located a clear Ziplock baggie that contained numerous small black rubber bands. The Detectives also located a camouflage duffel bag on the back floorboard of the driver side and a red duffel bag lying on the back floorboard on the passenger side. The Detective opened the camouflage backpack and located a black Food Saver brand vacuum sealer and a roll of vacuum bags. The Detective also opened the red duffel bag and observed it full of clothes. After moving the clothing, he observed a large vacuum sealed bag containing bundles of U.S. currency held together with small black rubber bands like the small black rubber bands found inside the Ziplock baggie. The Detective also located opened air fresheners that had been wrapped in with the clothes. In total, there were five vacuum sealed bags that contained the currency.

Due to the Detectives training and experience, small rubber bands are commonly used to bundle U.S. currency together. Vacuum sealers are commonly used to seal U.S. currency as a countermeasure to avoid being detected during a K9 sniff. Detectives believe the currency was vacuum sealed and stored in the bag with the air fresheners in an attempt to conceal any narcotic odor that could be on them.

Sanchez's vehicle was taken into a secure parking lot where it could be further searched. During the search, additional U.S. Currency was in the center console amounting to approximately \$2800.00 and more in Sanchez's wallet that appeared to be just under \$600.00. The Detectives know through training and experience, Drug Trafficking Organizations (DTOs) commonly use couriers to transport illegal narcotics and its proceeds and often receive a percentage of what is being smuggled as payment. This payment is typically found separated from what is being smuggled. The Detective also located several hotel room key cards and two hotel receipts that were dated for November 30, 2022 and were for two different hotel rooms at two different hotels in Suffolk Virginia both under Sanchez's name.

Due to Sanchez's conflicting travel itinerary and how the currency was hidden and packaged, through the Detectives training and experience, the Detectives believed the currency was drug proceeds and seized the currency from Sanchez.

Potential Claimant

8. The only known potential claimant to the Defendant Property is:

David Sanchez
Represented by John J. Klevenhagen III
The Klevenhagne Law Firm, PLLC
952 Echo Lane, Suite 380
Houston, Texas 77024; and

Estefani Kimberly Cardenas
910 Centerwood Drive
Houston, Texas 77013-5747

Claim for Relief

9. The United States respectfully requests that the Court forfeit the Defendant Property to the United States, award costs and disbursements in this action to the United States and order any other relief that the Court deems appropriate.

Respectfully submitted,

DAMIEN M. DIGGS
UNITED STATES ATTORNEY

/s/ Michael W. Lockhart
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VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I, Michael W. Lockhart, hereby state that:

1. I am an Assistant United States Attorney for the Eastern District of Texas.
2. I have read this Complaint, and the information contained herein is true and correct to the best of my knowledge.
3. The information contained in this Complaint comes from the official files and records of the United States and information received from law enforcement officers.

I state and verify under penalty of perjury that the foregoing is true and correct.

/s/ Michael W. Lockhart
MICHEAL W. LOCKHART
Assistant United States Attorney

Dated: May 25, 2023.